IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Crl.MC.No. 4098 of 2006()

PETITIONER:

C.H. MOOSA,
S/O. LATE MUKRI MAMMUNHI,
MANHAMPARA, ADHUR VILLAGE,
KUNTAR (P.O.),
KASARAGODE.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. FOREST RANGE OFFICER,
KASARAGOD.

3. ASSISTANT CONSERVATOR OF FOREST,
KASARAGOD.

BY P.P. SRI.PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 4098 OF 2006

Dated this the 21st day of December, 2006

ORDER

When this petition came up for hearing, after discussions at the Bar, the learned counsel for the petitioner accepts the fact that the petitioner can seek relief under Sec.457 of the Cr.P.C. as explained in the decision reported in **Rahim v. State of Kerala (2002 (3) KLT 340)** even when the vehicle is not produced and when a report is made by any of the parties to the learned Magistrate.

2. This Crl.M.C. is, in these circumstances, dismissed with liberty to the petitioner to approach the learned Magistrate for release of the vehicle under Sec.457 of the Cr.P.C. as explained in **Rahim v. State of Kerala (2002 (3) KLT 340).**

Sd/-

(R. BASANT, JUDGE)

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//true copy// **P.S. To Judge**

(R. BASANT, JUDGE)

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